



COMMUNITY DEVELOPMENT AGENCY

LONG RANGE PLANNING

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-4650, Fax (530) 642-0508

Date: August 7, 2014

To: El Dorado County Agricultural Commission

From: Shawna Purvines, Principal Planner and Chris Flores, Senior Agricultural Biologist

Subject: **Targeted General Plan Amendment and Zoning Ordinance Update**

PROJECT DESCRIPTION

The Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU) project consists of targeted amendments to the El Dorado County General Plan, a comprehensive ZOU, and design standards and guidelines for mixed use development (MXD). The project applies to those areas that are under County jurisdiction and does not include the incorporated areas of the cities of South Lake Tahoe and Placerville.

This memo discusses the following as related to Agriculture and Rural Lands:

1. Project Background and Process Overview: General Plan Five-Year Review and TGPA;
2. ZOU;
 - a. Agricultural and Resource Zones
 - b. Specific Use Regulations
3. Mapping: General Plan Land Use Designations and Zoning Districts;
4. The El Dorado County TGPA-ZOU Draft Program Environmental Impact Report (DEIR);
5. Key Components Relating to Rural, Agricultural and Natural Resource Lands; and
6. Next Steps.

1. PROJECT BACKGROUND AND PROCESS OVERVIEW

The El Dorado County General Plan was adopted in 2004. On April 4, 2011, the Board of Supervisors (Board) received the first Five-Year review of the General Plan as required by General Plan Goal 2.9. The General Plan recognizes that development patterns in the County will change, new laws affecting land use will be passed, events will occur that will require changes, and imperfections will be discovered as the County implements the General Plan.

Per General Plan Goal 2.9, the Five-Year review discussed a more comprehensive review and assessment of how effective the implementation has been since adoption. The report included:

- a. State and local requirements for a General Plan review.
- b. New information received since the adoption of the Plan, including:
 - 1) Recent Changes in State Law;
 - 2) Recent Economic Development Studies;

- 3) Economic and Planning Systems Housing Development Feasibility Study;
 - 4) Economic Development Advisory Committee (EDAC) Regulatory Reform General Plan Review;
 - 5) 2010 Census Population Results; and
 - 6) Current Economy Assessment.
- c. A General Plan 5-Year review as delineated by General Plan Objective 2.9.1, including:
- 1) A Land Inventory;
 - 2) Rate of Development;
 - 3) Community Region/Rural Center Changes options;
 - 4) General Plan Mitigation Monitoring Program Review; and
 - 5) A Summary of Findings from the Review.

The review concluded that the basic General Plan goals and assumptions were still valid. The review also revealed areas within the General Plan that could be improved to better address the development of moderate income housing, the creation of jobs, the loss of sales tax revenues and the promotion and protection of the agriculture and natural resource industries in the County. The Board adopted a Resolution of Intention (ROI) 051-2011 for a TGPA to: reduce constraints to the development of moderately-priced housing, support job creation, capture more sales tax revenues, and protect and promote agriculture and natural resources. The Board also recognized the project should include any revisions necessary to address recent changes in State law.

The Board directed staff to work with the Community and Economic Development Advisory Committee (formerly EDAC but now CEDAC) and its Regulatory Reform Sub Committee to address issues regarding meeting the County's adopted goals and objectives through implementation of General Plan policies, the Zoning Ordinance and the Land Development Manual.

Following an almost year long process of review, on November 14, 2011, the Board adopted ROI 182-2011 for a TGPA that specified the policies that are being considered for amendment or analysis only. This ROI superseded any previous General Plan Amendment ROIs including ROI 051-2011 – TGPA, ROI 013-2011 – Agricultural District Expansion, ROI 182-2011 – Camino/Pollock Pines Community Region to Rural Center and ROI 274-2008 - 30 Percent Open Space Policies Amendment.

The ROI identified a limited set of General Plan policies considered for amendment to achieve the Board's project objectives. The proposed policy changes are said to be "targeted" because they are limited to addressing only the areas of the General Plan thought to be inhibiting achievement of these goals and objectives. The specific General Plan policy changes relating to the promotion and protection of agricultural lands can be found in the Project Checklist (v.6.0) – Agricultural Promotion (attachment 9F of Legistar No. 11-0356).

2. ZONING ORDINANCE UPDATE

The Zoning Ordinance is the primary tool for implementing the General Plan. In 2008, the Board directed staff to prepare a comprehensive update of the Zoning Ordinance to bring the Ordinance into conformance with the General Plan. This consistency is required by State law (Government Code §65860). Sections of the County's current Zoning Ordinance have been amended throughout the past 30 years, but the Ordinance has never been comprehensively updated. Piecemeal updates and amendments have resulted in a patchwork of provisions and dated regulations.

The comprehensive draft ZOU was first presented to the Board at a public hearing on October 18, 2010. After the Board's review, the County released a 2010 Public Review Draft (PRD) Zoning Ordinance on the County's Planning Services website. On November 14, 2011, following an almost yearlong review of the PRD, the Board adopted two ROIs (183-2011 and 184-2011), superseding the previous ZOU ROIs. The new ROIs outlined a project description for completing the update, including the development of design standards and guidelines for mixed-use development and traditional neighborhood design, and additional items the Board desired to address in the draft related to the TGPA project.

A. Agricultural and Resource Zones

Through the Zoning Ordinance Update, obsolete zones are proposed to be removed, duplicate zones are proposed to change in name only, and new zones are proposed to be added, including:

- The Select Agricultural (SA-10) Zone, mostly found in the Camino area, is proposed to be changed to the Planned Agricultural (PA) Zone. Both zone districts were found to have the same allowed uses and were duplicate zones.
- The Agricultural (A) zone and the Residential Agricultural (RA) zone are proposed to be deleted and the parcels currently carrying those zones changed to either the new Rural Lands (RL) zone, the new Limited Agricultural (LA) zone, or the new Forest Resource (FR) zone. All parcel owners with the A or RA zone were given the opportunity, through two separate mailings, to maintain their agricultural zoning, in order to keep their Right to Farm and buffering protections. This process was called the Agricultural Opt-In process. Over 3,000 property owners were notified (refer to Attachment A), and over 700 property owners "opted-in" to maintain their agricultural zoning. (Note: parcels with Residential Estate zoning in Agricultural Districts were also given the opportunity to request an agricultural zone, if other criteria were met).
- The new Forest Resource (FR) zone is intended to identify land that is suitable for timber production. It is proposed for lands without a Timber Production Zone (TPZ), generally above 3,000 feet elevation, and/or National Forest lands.
- The proposed new Agricultural Grazing (AG) zone is proposed for those parcels currently in a Williamson Act Contract for a low-intensive agricultural operation such as grazing.
- The Exclusive Agricultural (AE) zone and the Agricultural Preserve (AP) zone are proposed to be deleted. Parcels currently in a Williamson Act Contract for a high-intensive agricultural operation are proposed to change to the PA and LA zones, respectively. Parcel owners whose land is not currently in a Williamson Act Contract were given the opportunity, through the Agricultural Opt-In program to retain their agricultural zoning. Property owners who did not opt-in will have their parcels assigned a zone that is consistent with their underlying General Plan Land Use Designation.

B. Specific Use Regulations

Proposed changes that may affect rural, agricultural and natural resource lands throughout the County are shown in the following sections of the draft Zoning Ordinance.

Accessory Structures and Uses (17.40.030):

- Clarifies that barns and agricultural buildings are a primary use on ag-zoned property and do not require residential development prior to construction.
- Clarifies permit timing for concurrent primary and accessory structures.
- Clarifies structure types that are accessory to residential development and cross-references regulations specific to those structures in other sections of the code.

Agricultural Preserves and Zones (17.40.060):

- Consolidates all information regarding Williamson Act Contracts and Farmland Security Zones into one location in the ordinance.
- Use and location of residential development, including secondary dwellings, are clarified through specific findings.

Agricultural Support Services (17.40.070):

- Includes process and findings for permit approval of those commercial uses specifically defined in the ordinance glossary.

Campgrounds and RV Parks (17.40.100):

- New provisions consistent with state law.
- Differences in standards specified between campgrounds and RV parks.

Commercial Caretaker, Agricultural Employee, and Seasonal Worker Housing (17.40.120):

- New provisions consistent with state law for agricultural and seasonal employee housing.

Home Occupations (17.40.160):

- Standards provided to ensure compatibility with residential development.
- Employees allowed on-site based on parcel size and compliance with building codes.
- Heavy commercial vehicles defined and storage provisions clarified.
- Student instruction hours codified.
- Student instruction expanded under Administrative Permit subject to standards.
- Conditional Use Permit provisions.

Lodging Facilities (17.40.170):

- General standards provided.
- Parking provisions clarified with flexibility in parking configurations and surfacing requirements.
- Agricultural Homestay provisions expanded to require County Department of Agriculture verification of minimum agricultural criteria, maximum occupancy by right, residency, and meal requirements.
- New provision for Agricultural and Timber Resource Lodging.
- Guest Ranches proposed as a new use type.
- Health Resort and Retreat Center proposed as a new use type.

Outdoor Recreational Facilities (17.40.210):

- New provisions for commercial stables; equestrian trails; hunting/fishing clubs, farms, or facilities; off-road vehicle use; parks for day use; and public swimming and tennis facilities.

Produce Sales (17.40.240):

- Value-added product sales allowed.
- Expanded to allow multi-farm stands for off-site sales.
- Distinction drawn between levels of produce sales and ranch marketing.

Ranch Marketing (17.40.260):

- Applicable definitions are proposed for clarification.
- Marketing events allowed with the sale of off-site produce or byproducts, providing they are of the same type as produce grown on-site.
- Maximum ranch market area set at 5 acres or 50 percent of the lot, whichever is less.
- Maximum ranch marketing building square footage made consistent with the Winery Ordinance.
- Special events for up to 250 people increased from 6 or 12 per year, depending on lot size, to 24 events per year and allowed to be held outside of the harvest season.
- Cold storage of on-site produce can be sold off season.
- Existing commercial kitchen can be used to process byproducts for sale and can be leased or used outside of the harvest season.
- Ranch marketing uses allowed on Agricultural Grazing (AG) zones if certain criteria is met.

Right to Farm (17.40.290):

- The definition of "Agricultural Land" has been changed to reflect the new proposed zones and include parcels with a General Plan Agricultural Land (AL) Land Use Designation and parcels within an Agricultural District.

Timber Production Zone (17.40.350):

- Basic findings added for conditional use permit approval of compatible, non-timber uses.
- Expanded uses allowed on Timber Production Zones (TPZ) with a conditional use permit, such as a campground, hunting/fishing club, commercial stable, and Health Resort and Spa.

Wineries (17.40.400):

- Expanded uses added, such as campgrounds, dining facilities, Agricultural Homestays and Agricultural and Timber Resource Lodging.
- Wine cave provisions added.
- Setbacks revised dependent on location of parcel.
- Commercial kitchen allowed to be leased as a catering facility with an administrative permit.

3. MAPPING: GENERAL PLAN LAND USE DESIGNATIONS AND ZONING DISTRICTS

Every parcel in the unincorporated areas of El Dorado County is assigned a General Plan Land-Use Designation and a Zone District. The General Plan designates generalized permitted planned land uses in the County, such as Commercial, Industrial, Residential (with densities ranging from Multi-Family to Rural Residential), Agricultural, Natural Resources and Open Space.

The TGPA does NOT modify any General Plan Land Use Designations as shown on the map, except where necessary to correct a small number of errors discovered subsequent to the adoption of the General Plan in 2004 (one tenth of one percent of existing parcels). These corrections are identified on the Draft General Plan Amendment map.

Privately-initiated General Plan Amendment applications which propose to change land use designations are NOT a part of the TGPA.

Zone Districts, which by law must be consistent with the General Plan designations, provide more detail on permitted uses and development standards. More than one Zone District may be consistent with a single General Plan designation. For example, a parcel designated Medium Density Residential in the General Plan could have a Zone District of either Residential One-Acre (R1A), Residential Two-Acres (R2A), Residential Three-Acres (R3A) or Residential Estate Five-Acres (RE-5). The Board is considering adding new zones and eliminating obsolete zones to ensure consistency with the General Plan.

Portions of the County's Zone District maps that are not consistent with General Plan Land Use Designations or policy are proposed to change as part of the ZOU. The general rule followed was; if the existing Zone District is consistent with its underlying Land Use Designation, then no change was proposed. If an existing Zone District is not consistent with its underlying Land Use Designation, then a consistent Zone District was proposed based on three factors: the lowest conforming density, parcel size, and parcel location. For example, a parcel with a land use designation of Natural Resource (NR) would have a different zoning density depending on the elevation of the parcel. If above 3,000 feet, the density would have a 160 acre minimum parcel size requirement and if below, then a 40 acre minimum. In order to be consistent, a sixty-acre parcel, below 3,000 feet elevation, could have a proposed zone of Rural Lands Forty-Acre (RL-40), which would be the lowest residential density within the land use designation of NR, with that location.

4. CHARACTER AND ANALYSIS OF THE EL DORADO COUNTY TGPA/ZOU DEIR

On January 24, 2012, the Board approved a scope of work and a contract with ICF International to complete an environmental review of the TGPA and ZOU projects as outlined in the ROIs. A key principle of California Environmental Quality Act (CEQA) is that the "whole of the project" be reviewed comprehensively, and that a project not be bifurcated into smaller parts, thereby reducing the degree to which potential impacts are analyzed. With this understanding of basic CEQA requirements, the County needed to consider how to process these different but related projects, while keeping in mind the costs, timing, and prioritization of each individually and as a whole. The Board determined that the best approach would be to combine the TGPA and ZOU into one project with a single environmental review.

The Draft EIR for the TGPA-ZOU is characterized as a "program EIR." That is, an EIR prepared for a series of actions that can be characterized as one large project, and that are related in connection with the issuance of regulations and plans (paraphrasing CEQA Guidelines¹ Section 15168). The proposed TGPA-ZOU is the project for which the Draft EIR was prepared.

The TGPA-ZOU Draft program EIR (TGPA-ZOU DEIR) differs from the typical "project EIR" that is prepared for a site-specific project such as a highway interchange or large development proposal. The degree of specificity in the TGPA-ZOU DEIR corresponds to the degree of specificity contained in the proposed TGPA-ZOU, consistent with CEQA Guidelines Section 15146. Because the TGPA-ZOU does not include site-specific actions, it does not have the degree of specificity that would be expected of the EIR prepared for a development project. This corresponds with CEQA Guidelines Section 15146(b), which states:

¹ The California Environmental Quality Act (CEQA) is implemented through the provisions of the Act itself, and the statewide CEQA Guidelines adopted as part of Title 14 of the California Code of Regulations.

“An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.”

The ZOU includes site-specific zone changes, but does not propose any specific development on any of those sites. The zone changes are being undertaken in order to make the zoning consistent with the General Plan’s land use map. By law, the County’s zoning must be consistent with its General Plan; these zone changes are being made in order to conform to state law (Government Code Section 65860).

The TGPA-ZOU DEIR is not required to, nor does it speculate about the specific development that might someday be proposed on the zone change sites. CEQA does not require lead agencies “to engage in speculation in order to analyze a ‘worst case scenario’” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373).

The primary purposes of the TGPA-ZOU DEIR include examining the potential significant environmental impacts of this project (i.e., the TGPA, ZOU, and Mixed Use Design Guide), disclosing those impacts to allow informed decision-making, and identifying feasible, enforceable mitigation measures that would avoid or reduce the significance of those impacts. In addition, as a program EIR, the TGPA-ZOU DEIR offers the potential to streamline the CEQA process for later actions (i.e., development projects).

The TGPA-ZOU DEIR uses information from the 2004 General Plan EIR to help examine the impacts that will result from development under the project. However, the TGPA-ZOU DEIR does not use the existing General Plan as the baseline for its impact analyses. This is a key distinction. The baseline for the TGPA-ZOU DEIR’s analyses is existing conditions, in accordance with CEQA Guidelines Section 15125 which states that: “[the] environmental setting will normally constitute the baseline physical conditions by which a lead agency determines when an impact is significant.” The TGPA-ZOU EIR does not use the existing General Plan as the baseline because the General Plan illustrates the future uses of land, not the existing conditions.

CEQA requires an EIR to describe feasible measures that could minimize significant adverse impacts. These “mitigation measures” must be fully enforceable and, when the project is adoption of a plan or regulations, the mitigation measures can be incorporated into the plan or regulations (CEQA Guidelines Section 15126.4). The TGPA-ZOU DEIR follows this by including mitigation measures that would revise portions of the TGPA or ZOU in order to reduce the impacts of the TGPA-ZOU. Here are some examples:

- Mitigation Measure AQ-1 consists of revisions to the ZOU that mandate actions to reduce air pollutant emissions from construction;
- Mitigation Measure AES-4 consists of specific ZOU revisions to reduce light and glare in new development; and
- Mitigation Measure AG-1a places limits on the size of Health Resort and Retreat Centers described in the ZOU.

CEQA’s directive is to identify mitigation measures that minimize significant impacts, but it does not require that the measures reduce the impact below a level of significance. There are often situations

where avoiding a significant effect is not possible. The TGPA-ZOU DEIR does not assume that mitigation measures will always avoid a significant effect.

5. KEY COMPONENTS RELATING TO RURAL, AGRICULTURAL AND NATURAL RESOURCE LANDS

A major goal of the TGPA-ZOU project is to bring the Zoning Ordinance into conformance with the General Plan, and where appropriate; bring both documents into compliance with State regulations as required by California Government Code Sections 65000-66037.

Some of the TGPA-ZOU components are a result of changes in development patterns, changes in the economy, imperfections and errors in the adopted General Plan and Zoning Ordinance, and opportunities for streamlining implementation of the General Plan. As the TGPA-ZOU consists of a variety of individual amendments to the General Plan, as well as changes to the provisions of the Zoning Ordinance, some of the amendments and zoning changes have the potential to result in significant effects on the environment.

Staff recommends the Agricultural Commission (as the Board's and Planning Commission's advisory body for land use and planning relating to agricultural lands and activities) discuss the key components of the TGPA-ZOU relating to rural, agricultural and natural resource lands, and select preferred option(s) to be incorporated into recommendation(s) to the Planning Commission and Board. The Agricultural Commission may select recommendations from the following options below, either alone or in combination. In addition, the Agricultural Commission has the opportunity to make recommendations not listed in this document.

Option 1:

Recommend Adoption of the Project as Proposed (With or Without Modifications): The Agricultural Commission may choose to recommend adoption of key components as proposed in the TGPA-ZOU project.

Option 2:

No Recommendation: The Agricultural Commission may choose not to offer a recommendation to the Planning Commission and Board regarding any or all of the key project components, or portion(s) of any component, as the Agricultural Commission deems appropriate.

Option 3:

Selective or Modified Recommendations: The project consists of a variety of individual amendments to the General Plan, as well as changes to the provisions of the Zoning Ordinance. The Planning Commission is not required to advise the Board on all of the policy and ordinance changes that make up the project. Therefore, the Agricultural Commission has the option to make selective recommendations to the Planning Commission.

To assist the Agricultural Commission, staff has identified four key TGPA-ZOU areas, or components, which are listed and described below:

1. Rural Commerce and Recreation
 - a. Expanded allowed uses in agriculture and rural land zones
 - b. Health Resort and Retreat Centers

- c. General Industrial uses and Ski Resorts
- d. Public Utility Service Facilities
2. Zone Mapping Criteria and Consistency with General Plan
 - a. Agricultural Opt-In Program
3. Community Region/Rural Center Boundary Amendments
4. Agricultural District Boundary Amendments

Component 1 - Rural Commerce and Recreation

In addition to the proposed General Plan amendment, the ZOU also included the expansion of uses allowed in the Agricultural and Resource zones in the Rural Region to provide more opportunities for commercial development that would support the creation of jobs and increase sales tax capture in the County. One of the primary expanded uses would include Ranch Marketing on agricultural grazing land. Ranch Marketing would be allowed by right or upon approval of a Conditional Use Permit (CUP), administrative permit, temporary use permit, and minor use permit, depending on the particular use and the lot size.

A. Ranch Marketing and Agricultural and Timber Resource Lodging:

The DEIR has determined that certain Ranch Marketing activities and Agricultural and Resource Timber Lodging, because of their inherent location in rural areas, would have the potential to adversely impact daytime or nighttime views due to lighting.

Implementation of *Mitigation Measure AES-4* would reduce the impact of Ranch Marketing and Agricultural and Timber Resource Lodging to daytime or nighttime views to a less-than-significant (LTS) level by revising the outdoor lighting standards for these uses.

The DEIR has determined that music festivals, concerts and special events, allowed through Ranch Marketing, could have an impact on special-status species habitat by causing fragmentation or conversion of the habitat. Impacts related to wildlife movement, as a result of noise, traffic, and lighting, associated with special events, music festivals and concerts would be significant and unavoidable (SU).

Implementation of *Mitigation Measure BIO-1c* would restrict certain Ranch Marketing events to areas without special-status species habitat. Implementation of this measure would reduce impacts related to Ranch Marketing uses to a less-than-significant (LTS) level. Mitigation Measure BIO-1c would add the following footnote to the Ranch Marketing Use Type matrix in the ZOU for the LA, PA, and AG zones: "Allowed only where the project site has no value as habitat for special-status animal and plant species identified on the most recent California Natural Diversity Database list for El Dorado County, and is consistent with General Plan Policy 7.4.1.6 regarding avoidance of important habitats."

Mitigation Measure BIO-2 is recommended for implementation to further protect special-status species habitat. This mitigation measure adds the following underlined language to Section 17.040.260.F.1.e(3): "Special events shall be limited in time duration to 48 hours, and the event site shall be returned to its pre-event condition after each use." The implementation of these measures would reduce impacts related to Ranch Marketing uses to a less-than-significant level.

Mitigation Measures BIO-1c and BIO-2 would reduce the impacts from the above mentioned Ranch Marketing activities to a less-than-significant level, but impacts to wildlife movement would remain significant and unavoidable.

There are no specific uses being proposed on any site at this time, and the purpose of the Ranch Marketing provisions is to provide farmers and ranchers a broader range of agriculture-related income-generating activities. However, these types of uses have the potential to substantially alter the character of the area in which they're located by introducing a new source of noise, traffic, and aesthetic impacts. This would be particularly true where the use would not be subject to a minor use permit, CUP or temporary permit, and the County's ability to impose conditions to minimize impacts would therefore be limited.

To help ensure that Ranch Marketing uses are compatible with surrounding land uses, the DEIR recommends the implementation of *Mitigation Measure LU-4b*. The measure would add the following underlined language to Section 17.40.260.A.3 of the ZOU, to reduce these impacts to a less-than-significant level, "Ranch Marketing activities proposed within Agricultural Districts, as identified on the General Plan land use maps, or adjacent to land zoned Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production Zone (TPZ) must be reviewed by the Agricultural Commissioner for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority."

Summary of Mitigation Measures relating to Ranch Marketing and Agricultural and Timber Resource Lodging:

- Mitigation Measure AES-4: Revise proposed ZOU Chapter 17.34 and Section 17.40.170 (light shielding).
- Mitigation Measure BIO-1c: Limit music festivals and concerts
- Mitigation Measure BIO-2: Return event site to pre-event condition
- Mitigation Measure LU-4b: Revise ZOU Section 17.40.260 to include compatibility review of Ranch Marketing uses by the Agricultural Commissioner

Recommendation Options:

Option 1. Recommend that this component be adopted as written, **without** proposed Mitigation Measures AES-4, BIO-1c, BIO-2, or LU-4b.

Option 2. No recommendation or recommend no amendment.

Option 3. Recommend that this component be adopted **with** all proposed Mitigation Measures or some combination of the Mitigation Measures above (AES-4, BIO-1c, BIO-2, or LU-4b), to help reduce impacts to aesthetic, biological, and land use resources in the County, to a less-than-significant (LTS) level.

B. Health Resort and Retreat Centers:

Also under the ZOU, Health Resort and Retreat Center uses are proposed to be allowed in the PA, AG, RL, FR, and TPZ zones upon approval of a CUP. Under the proposed code, lots adjacent to or within Agricultural zones must be reviewed by the County Agricultural Commission for compatibility with surrounding agricultural uses prior to consideration of the CUP. Nonetheless, the lack of a size limitation in the proposed ZOU raises the possibility of conflicts arising with agricultural operations over traffic and activity levels from this land use or conversion of a substantial amount of farmland to a nonagricultural use. Therefore, under the ZOU, impacts related to direct conversion of farmland or resource land would likely be significant and unavoidable.

Summary of Mitigation Measure Relating to Health Resort and Retreat Centers:

Implementation of *Mitigation Measure AG-1a* would reduce the impact of Health Resort and Retreat Centers on agricultural and forestry resources to a less-than-significant level. The measure would place reasonable size limits on centers consistent with the requirements for Bed And Breakfast Inns.

Recommendation Options:

Option 1. Recommend that this component be adopted as written, **without** proposed Mitigation Measure AG-1a: There would be no amendment to the ZOU to place limitations on the size of proposed Health Resort and Retreat Centers.

Option 2. No recommendation regarding Health Resort and Retreat Centers or recommend no amendment.

Option 3. Recommend that this component be adopted **with** proposed Mitigation Measure AG-1a from the TGPA-ZOU DEIR, amending the ZOU and placing limits on the size of proposed Health Resort and Retreat Centers.

C. General Industrial Uses and Ski Resorts:

The ZOU allows general industrial use in Forest Resource and Timber Production Zones. The ZOU Glossary defines these uses as, “manufacturing, processing, assembling, or fabricating from raw materials to include any use involving an incinerator, blast furnace, or similar industrial process and any industrial process conducted wholly or partially indoors.” Examples listed in the ZOU include lumber mills, batch plants, truss manufacturing, co-generation plants, food and byproduct processing plants, and fabric mills. The DEIR states that these types of uses are not compatible with the requirement that land within a TPZ be “enforceably restricted” to forestry in order to qualify under the Forest Taxation Reform Act of 1976. The DEIR recommends the implementation of *Mitigation Measure AG-4*, which would revise the Use Matrix in the ZOU to not allow Industrial, General uses in the TPZ zone, therefore reducing this impact to a less-than-significant level.

Ski Areas are listed in the ZOU as an allowed use in Forest Resource and Timber Production Zones with a conditional use permit. As mentioned in the DEIR, typical Ski Area base facilities could include a day lodge, restaurants, maintenance facilities, retail shops and an extensive parking area. These uses are not considered “compatible uses” under the Timber Production Zone requirements, and would necessitate a substantial portion of the ski area site to be removed from the Timber Production Zone. The DEIR states that allowing Ski Areas, General Industrial and Off-highway or off-road vehicle areas in a Timber Production zone would have a significant impact. Implementation of *Mitigation Measure AG-4* would reduce this impact to a less-than-significant level.

Mitigation Measure Relating to the Protection of Timber Production Zones:

- Mitigation Measure AG-4: Amend Table 17.21.020 in the ZOU to remove Industrial, General; Off-highway or off-road vehicle recreation areas and Ski Areas from being located in a TPZ zone.

General Plan Policy 2.2.5.11 states “. . .The forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas”, and “uses which are consistent (in forest lands) may include. . . outdoor recreation activities, ski resorts...and conference/convention centers”. Further, this Policy also states that (commercial) support uses, including outdoor recreation activities, ski resorts and conference/convention centers, shall “only be allowed to be established with the approval of a special use permit.”

General Plan Policy 8.1.4.1 requires the Agricultural Commission to review all discretionary development applications (to include special use permits) and the location of proposed public facilities involving land zoned for or designated as agriculture, or lands adjacent to such lands, and make the following findings, which must be made prior to any approval of such use:

1. The proposed use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;
2. The proposed use will not create an island effect, wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
3. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Ski areas, general industrial and off-highway or off-road vehicle areas in forest lands, to include Timber Production-zoned lands, may be found consistent with the 2004 General Plan. However, California Government Code § 51115, states “*TPZ zoned lands shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations.*” Therefore, to proceed with the allowance of ski areas, general industrial and off-highway or off-road vehicle areas within Timber Production zones, a finding of compatibility with timber harvesting would be required.

Recommendation Options:

Option 1. Recommend that this component be adopted as written, **without** proposed Mitigation Measure AG-4: There would be no amendment to the ZOU to remove the CUP allowance for the above listed uses.

Option 2. No recommendation or recommend no amendment.

Option 3. Recommend that this component be adopted **with** proposed Mitigation Measure AG-4 from the Project DEIR, amending the ZOU and removing the CUP allowance for Industrial, General; Off-highway or off-road vehicle recreation areas; and Ski Areas.

D. Public Utility Service Facilities:

The ZOU would allow Public Utility Services Facilities, both “intensive” and “minor”, in PA, AG, RL, FR and TPZ Zones. “Intensive” service facilities would be defined as “facilities necessary to provide the community with power, water, sewage disposal, telecommunications, and similar services.” The Glossary states that Intensive Service Facilities “may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as electrical receiving facilities or substations,

sewage treatment facilities and power generating facilities.” “Minor” facilities would be defined as “service facilities such as water, sewer, gas pipelines, pump stations, telephone and electrical distribution lines 12 kilovolts (kV) or less, and drainage facilities.” Although this project component would result in significant and unavoidable impacts in the areas of agricultural and biological resources, as well as to land use, major impacts to the agricultural resources could be reduced to a less-than-significant level by implementing *Mitigation Measure AG-1b* (amending the ZOU to limit Public Utility Service Facilities to minor facilities [only], in the PA, AG and RL Zones), and *Mitigation Measure AG-4* (removing the CUP allowance for Public Utility Service Facilities, Intensive, from the Timber Production zone).

Summary of Mitigation Measures relating to Public Utility Service Facilities, Intensive:

- Mitigation Measure AG-1b: Amend the ZOU to limit Public Utility Service Facilities to minor facilities in the PA, AG, and RL zones.
- Mitigation Measure AG-4: Amend proposed Table 17.21.020 of the ZOU, to restrict incompatible uses from being located in the TPZ zone

Recommendation Options:

Option 1. Recommend that this component be adopted as written, **without** proposed Mitigation Measures AG-1b or AG-4.

Option 2. No recommendation or recommend no amendment.

Option 3. Recommend that this component be adopted **with** one or both proposed Mitigation Measures above (AG-1b and AG-4), to reduce impacts to agricultural and forestry resources to a less-than-significant level.

Note: While effects on agricultural resources would likely be reduced to less-than-significant, there would likely remain significant and unavoidable effects on biological resources and land uses that could not be reduced to a less than significant level.

Component 2 - Zone Mapping Criteria and Consistency with the General Plan

Updates to the zoning map through the ZOU have been limited to revising the County’s zone district maps to ensure consistency with General Plan Land Use Designations and/or policies. The addition of new zoning types and the elimination of obsolete zones has been proposed to be consistent with the General Plan. As such, zone district remapping is not anticipated to create any new impacts not already reviewed as part of the 2004 General Plan EIR.

Staff Recommendation: Recommend that this component be adopted as proposed.

Component 3 - Community Region/Rural Center Boundary Amendments

A fundamental characteristic of the General Plan is the identification of three (3) distinct planning concept areas. These planning concept areas include:

1. Community Regions;
2. Rural Centers; and

3. A single Rural Region which consists of all lands not included in either a Community Region or Rural Center.

The intent of the General Plan, through the application of these planning concept areas, is to provide for a land use pattern that allows development within Community Regions and Rural Centers, while encouraging the retention of the County's rural character by limiting the intensity of development in the Rural Region.

The General Plan defines a Community Region as "urban limit areas...where the urban and suburban land uses will be developed" (Objective 2.1.1). Community Regions are "...those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries" (Policy 2.1.1.2).

Existing Community Regions identified on the General Plan Land Use map are: Cameron Park, Camino/Pollock Pines, Diamond Springs, El Dorado, El Dorado Hills, Shingle Springs, and the City of Placerville and immediate surroundings (Policy 2.1.1.1).

The Rural Center boundaries establish specific areas within the rural areas of the County where higher intensity development may be allowed, based on the availability of infrastructure, public services, existing uses, parcelization, impact on natural resources, etc. (Policy 2.1.2.2). In general, the intensity of development that may be allowed in Rural Centers is less than what may be allowed in Community Regions.

Existing Rural Centers identified on the General Plan Land Use map are: Chrome Ridge, Coloma, Cool, Fairplay, Garden Valley, Georgetown, Greenwood, Grey's Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Aukum, Mount Ralston, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Quintette, Rescue, Somerset, and Strawberry (Policy 2.1.2.1).

The TGPA does not include changes to the outer boundaries of the Community Regions or Rural Centers identified on the General Plan land use map. The Camino/Pollock Pines Community Region Boundary Amendment (Resolution 110-2009) considers dividing the Community Region of Camino/Pollock Pines into three separate Rural Centers -- Pollock Pines, Cedar Grove, and Camino. The Board included this task in the project review with the adoption of the Resolution of Intention for the TGPA. Both Community Region and Rural Center boundaries are shown on the General Plan land use map.

Staff Recommendation: Recommend that this component be adopted as proposed.

Component 4 – Agricultural District Boundary Expansion

The TGPA-ZOU project proposes to amend the boundaries of the County's Agricultural Districts by the inclusion of 479 parcels and the removal of 96 parcels around the Garden Valley-Georgetown, Coloma-Lotus, Camino-Fruitridge, Gold Hill, Oak Hill, Pleasant Valley, and Fair Play-Somerset Agricultural Districts, to fulfill General Plan Implementation Measure AF-J. Although the TGPA-ZOU project would result in significant net expansion of these Agricultural Districts (17,241 acres), the project also proposes

a “clean up” removal of several parcels (137 acres) that are now within Agricultural Districts, but which do not actually meet the standards for inclusion, based on the criteria listed in General Plan Policy 8.1.1.2.

The County Agricultural Commission made recommendations on all parcels identified for inclusion and/or removal through a public process that included nine public hearings and the notification of all affected landowners. Out of 479 proposed parcel additions, only eight landowners contested the idea. All contested parcels were addressed during the May 2010 Agricultural Commission meeting.

On January 25, 2011, the Board adopted ROI 013-2011, authorizing the Development Services Department to proceed with the recommendations of the Agricultural Commission and prepare a draft revision to the Agricultural District boundaries.

Staff Recommendation: Recommend that this component be adopted as proposed.

Note: The adoption of this proposal would fulfill Implementation Measure AF-J of the General Plan. All parcels proposed for inclusion into an Agricultural District underwent a suitability review consistent with General Plan Policies 8.1.1.1, 8.1.1.2, 8.1.1.3, and 8.1.1.4. The inclusion of suitable lands into an Agricultural District would not have a negative impact on agricultural or forestry resources by converting important farmland, grazing land, or land currently in agricultural production to some other non-agricultural use. The inclusion would also not cause a land use conflict resulting in the cancellation or roll-out of a Williamson Act Contract.

6. NEXT STEPS

Planning Commission Public Hearings Continued

The Planning Commission will continue to hold Public Hearings to receive public comments on the TGPA-ZOU project and to prepare a recommendation to the Board. Each date will focus on different topic(s) of the TGPA-ZOU and MDX. However, public comments on any part of the TGPA-ZOU will be received at any of the public meeting dates. Staff has recommended the discussions be broken down as follows:

Note: All dates, times and topics listed below are subject to change. Additional dates and topics may be added. Check the Long Range Planning website for updates: <http://www.edcgov.us/LongRangePlanning/>.

- **Wednesday, August 13th, 6:30 pm to 8 p.m.** (Regular Agricultural Commission Meeting)
Project Components Related to Agriculture and Rural Lands:
Learn about proposed changes to agricultural and rural lands, including Agricultural District expansion, rural commercial policies, agricultural support services, ranch marketing allowances for commercial grazing operations and more. Share your comments with the Agricultural Commission.
- **Thursday, August 14th, 8:30 am to 3 p.m.** (Regular Planning Commission Meeting)
(1) Project Components by Objectives: a) Reduce constraints to the development of moderately-priced housing, (b) Support job creation, (c) Capture more sales tax revenues, and (d) Preserve and promote agriculture and natural resources; and

(2) Mixed-Use Design Manual and Land Development Manual Volume 3 – Community Design Standards and Development Guidelines:

Get a detailed review of the specific objectives (goals) of the TGPA-ZOU and share comments about how these objectives are being proposed to be achieved.

- **Monday, August 18th, 8 a.m. to Noon**

Prepare Recommendations for the Board:

The Planning Commission will complete a final review of the Project, including public comments, and will prepare a recommendation to the Board for consideration at the TGPA-ZOU hearing anticipated to be held in October 2014.

- **Wednesday, August 20th, 8 a.m. to Noon** *(date and time reserved if needed)*

Note: The Planning Commission will not be taking any final action on the TGPA-ZOU, but will be preparing a recommendation for the Board to consider at the TGPA-ZOU hearing anticipated to be held in October 2014. The Planning Commission is not required to advise the Board on all of the policy and ordinance changes that make up the project. The Commission can choose to make selected recommendations only, and not include recommendations on those components of the project that, in the Commission's opinion, would result in additional significant impacts to the environment.